THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 25449 of 2005

Dated: 21-12-2005

Between:

A.Srinivasulu

..... PETITIONER

AND

The superintendent of Police,

Prakasam District at Ongole and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 25449 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents in not taking any action on the representation made by the petitioner for grant of police aid is arbitrary and illegal and violative of Articles 21 and 300-A of the Constitution of India.

The petitioner states that he is the owner and possessor of the land situated in Sy.No.623 situated at Somarajupalli, Singarayakonda, Prakasam District and that when some third party attempted to interfere with the possession and enjoyment of the said land, he filed O.S.No.331 of 1990 on the file of the Principal Junior Civil Judge, Kandukur, Prakasam District, seeking permanent injunction and the same was decreed on 24-10-2000.

In the circumstances, the petitioner states that since there is no dispute as to the title and possession of the petitioner, the respondents ought to have provided the police protection as sought by him.

On behalf of the respondents, the Sub-Inspector of Police, Singarayakonda Police Station, filed a counter affidavit stating that the brother in law of the petitioner by name Seelam Chandra Sekhar Babu filed a representation dated 26-11-2005, seeking protection in respect of the land in question, stating that one Ponugoti Singaiah and 12 others of Somarajupalli village interfered with his possession and enjoyment of the said land. In pursuance thereof, an entry was made in the General diary on the same day by the Station House Officer, who visited the spot and warned both parties. Immediately, the Assistant Sub-Inspector of Police, Singarayakonda Mandal, addressed a letter to the Mandal Reveue Officer, Saingarayakonda on 26-11-2005 informing that both parties are claiming possession in respect of the land in question and therefore, requested him to provide particulars as to who are in actual possession of the land in question. It is stated that the reply is still awaited from the Mandal Revenue Officer and the necessary steps on the representation dated 26-11-2005 will be taken as soon as the report is received from the Mandal Revenue Officer. It is further stated that on 07-12-2005 the wife of the petitioner made a complaint

stating that on 26-11-2005 while they were cultivating the land in question, one Mr. Ponugoti Singaiah and others trespassed into the land and spoiled the crop. Basing on the above complaint, Crime No.168 of 2005 was registered under Sections 341, 447, 506, 427 read with Section 34 of the Indian Penal Code and the investigation is still pending.

In view of what has been stated by the respondents in the counter affidavit as it is clear that the report is still awaited from the Mandal Revenue Officer, Singarayakond, it cannot be held that there is inaction on the part of the respondents as alleged by the petitioner. It is also clear from the counter affidavit that certain third parties have also been claiming title and possession in respect of the land in question. Hence, the respondents are justified in calling for a report from the Mandal Revenue Officer.

Accordingly, the writ petition is disposed of with a direction to the Mandal Revenue Officer, Singarayakonda Mandal to make the necessary enquiries and to submit the report as sought by the
Sub-Inspector of Police, Singarayakonda Police Station, within a period of two weeks from the date of receipt of this order, basing on which, the respondents herein shall take appropriate action in accordance with law.

The Registry is directed to communicate a copy of this order to the Mandal Revenue Officer, Singarayakonda Mandal.

The writ petition is accordingly disposed of. No costs.

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G.ROHINI,J

21-12-2005

klp